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OFFICE OF PETITIONS

In re Application of Semba et al. :
Application No. 09/465,708 : Decision on Petition
Filing Date: December 17, 1999 :
Attorney Docket No. FUJI 16.863 :
:

This is a decision on the petition under 37 CFR 1.181, filed October 10, 2006, to withdraw the holding of abandonment.

The petition is granted.

A final Office action was mailed February 24, 2006.

The final Office action set a shortened statutory period for reply of three (3) months.

The Office failed to receive a reply to the final Office action.

A Notice of Abandonment was mailed September 26, 2006.

Petitioner contends the final Office action was never received. A review of the PTO file wrapper for the application indicates the USPS returned the Office action as undelivered for unknown reasons. Therefore, petitioner clearly never received the Office action.

The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

Technology Center Art Unit 2614 will be informed of the instant decision. Thereafter, the Technology Center's technical support staff will mail a new final Office action. The time period for responding to the new final Office action will be set to run from the mailing date of the new final Office action.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

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